REMARKS/ARGUMENTS

Claims 1-54 were pending in the present application. The Examiner has asserted that the application contains claims directed to more than one species of a generic invention. These species are deemed by the Examiner to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner alleges that there are five separate elections of species required. In particular, the Examiner has required that:

(1) Applicant elect a single species of processed membrane protein from the group consisting of i) angiotensin converting enzyme (ACE); ii) β-amyloid precursor protein (APP); iii) other β-amyloids; iv) transforming growth factor-α (TGF-α); v) tumor necrosis factor α (TNF-α); vi) tumor necrosis factor receptor I (TNFR-I); vii) tumor necrosis factor receptor II (TNFR-II); viii) Fas ligand (FasL); ix) interleukin 6 (IL-6); x) and other processed membrane protein. Claims 1-46 are deemed by the Examiner to be generic with respect to the species of processed membrane protein and claims 47-54 are deemed by the Examiner to be directed to the species angiotensin converting enzyme. Lack of unity is alleged because the Examiner does not believe that these proteins lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

(2) Applicant elect a single species of disease associated with the release fragment of the processed protein from the group consisting of i) inflammatory disease; ii) cancer; iii) diabetes; iv) Alzheimer's disease; and v) Parkinson's disease. Claims 1-4 and 8-54 are deemed by the Examiner to broadly encompass any type of associated disease because the do not specifically recite a genus of associated disease. Lack of unity is alleged because the Examiner believes that these diseases lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

(3) Applicant elect a single species of agent from the group consisting of i) small molecules; and ii) peptide. Claim 1-8, 10, 13, and 36-46 are deemed by the Examiner to be generic with respect to the species of agent. Claims 9 and 12 are deemed by the Examiner to correspond to the species of small molecule and claims 11, 14-35, and 47-54 are deemed by the Examiner to correspond to the species of peptide. Lack of unity is alleged because the Examiner believes that these agents lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

(4) Applicant elect a single species of presentation molecule from the group consisting of i) CD24; ii) IL-3 receptor; and iii) thioredoxin. Claims 1-29 and 33-54 are deemed by the Examiner to be generic with respect to the species of presentation molecule. Claims 30-32 are deemed by the Examiner to correspond to one of the species designated. Lack of unity is alleged because the Examiner believes that these presentation molecules lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

(5) Applicant elect a single species of complex biological fluid from the group consisting of i) blood; ii) serum; iii) plasma; and iv) cerebral spinal fluid (CSF). Claims 1-40 and 42-54 are deemed by the Examiner to be generic with respect to the species of complex biological fluid and claim 41 is deemed to correspond to each of the species listed above. Lack of unity is alleged because the Examiner believes that these complex biological fluids lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

The Examiner has required Applicant to elect a single species of (1) processed membrane protein; (2) disease associated with the release fragment of the processed protein; (3) agent; (4) presentation molecule; and (5) complex biological fluid to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant has also been required to identify the claims readable on the elected species, including any claims subsequently added.

Upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written independent form or other wise include all the limitations of an allowed generic claims as provided by 37 C.F.R. § 1.141.

Applicant elects to prosecute the following species (1) angiotensin converting enzyme (ACE); (2) diabetes; (3) small molecule; (4) no election possible; (5) serum, with traverse. Applicants reserve the right to file a divisional or related copending application to the subject matter encompassed by any claim of a non-elected group. Claims 1-10, 12, 13, and 36-46 are believed to be readable on the elected species of invention. Applicant notes that no election was made in regard to the presentation molecule as peptide was not elected as the agent. The presentation molecule is only used in association with screening for a peptide agent that alters processing of a membrane protein of interest. In view of the above election, Claims 11, 14-35, and 47-54 have been withdrawn as being directed to a non-elected species. Applicant notes that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.143.

Applicant believes all requirements for responding to the restriction requirement have been addressed. If a telephone conference would expedite this matter, the Examiner is respectfully encouraged to contact the undersigned accordingly.

Respectfully submitted,

Dated: 7 January 2008

By: Brian W. Poor

Brian W. Poor
Reg. No. 32,928

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
BWP:jlv
61119656 v1